

MURRAY, BURNS AND KIENLEN

A CORPORATION
CONSULTING CIVIL ENGINEERS
1616 29th STREET SUITE 300
SACRAMENTO, CALIFORNIA 95816
TELEPHONE (916) 456-4400
FAX (916) 456-0253

ANGUS NORMAN MURRAY
1913 - 1985

JOSEPH D. COUNTRYMAN, P.E.
GILBERT COSIO, JR., P.E.
MARC VAN CAMP, P.E.

June 30, 1997

JOHN F. WRIGHT, P.E.
MICHAEL C. ARCHER, P.E.
JEFFREY E. TWITCHELL, P.E.
MARK E. FORTNER, P.E.
DON T. TRIEU
THOMAS R. HICKMANN

CONSULTANTS:
JOSEPH I. BURNS, P.E.
DONALD E. KIENLEN, P.E.

Mr. Ed Anton, Chief
Division of Water Rights
State Water Resources Control Board
P. O. Box 2000
Sacramento, California 95812-2000

Dear Mr. Anton:

Enclosed are completed Supplemental Statements of Water Diversion and Use for Statement No. 8430 of Beringer Wine Estates. These statements cover the period 1992 through 1996. Please correct your records to indicate the proper owner of record is Beringer Wine Estates, 1000 Pratt Avenue, P. O. Box 111, St. Helena, California 94574. Murray, Burns and Kienlen is the agent for Beringer Wine Estates relative to the water rights at the Asti Ranch. Please call if you have any questions.

Sincerely,

MURRAY, BURNS and KIENLEN

By:

Marc Van Camp

MVC:bl
Enclosures

cc: Mr. Robert E. Steinhauer

**** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ****

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS**

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S008430

OWNER OF RECORD: ~~XX~~ **BERINGER WINE ESTATES**

c/o MURRAY, BURNS and KIENLEN

~~XX~~

1616 29TH AVENUE, SUITE 300

SACRAMENTO, CA 95816

SOURCE: RUSSIAN RIVER

TRIBUTARY TO: PACIFIC OCEAN

COUNTY: SONOMA

DIVERSION

WITHIN: NE¼ OF SW¼ SECTION 28, T11N, R10W, MDB&M.

TELEPHONE NUMBER:

(916) 456-4400

YEAR OF FIRST USE:

PARCEL NO:

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995

- A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) _____
- B. Year of first use (Please provide if missing above) SEE ATTACHMENT
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

| | JAN. | FEB. | MAR. | APR. | MAY | JUNE | JULY | AUG. | SEPT. | OCT. | NOV. | DEC. | TOTAL ANNUAL |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1992 | X | X | X | X | X | X | X | X | X | X | X | X | 109.60 |
| 1993 | X | X | X | X | X | X | X | X | X | X | X | X | 138.15 |
| 1994 | X | X | X | X | X | X | X | X | X | X | X | X | 137.23 |

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.
Irrigation 123, 123, 186 acres; Stockwatering _____; Domestic 8 RESIDENCES
Other (specify) INDUSTRIAL; WINE PROCESSING AND BOTTLING

***** CONTINUE ON BACK PAGE *****

*** PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS ***

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

SEE ATTACHMENT

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 30, 19 97, at Sacramento, California

SIGNATURE: Marc Van Camp

PRINTED NAME: Marc E. Van Camp
(FIRST NAME) (M. NAME) (LAST NAME)

COMPANY NAME: Murray, Burns and Kienlen

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"
"Information Pertaining to Water Rights in California"
"Water Rights for Stockponds Constructed Prior to 1969"
"Appropriation of Water in California"

**ATTACHMENT TO SUPPLEMENTAL STATEMENT OF
WATER DIVERSION AND USE
STATEMENT NO. 8430**

- B. Year of First Use. Historical documentation clearly indicates water use was being made from the Russian River prior to 1914. A Cultural Resource Survey indicates use of water began as early as 1881. However, no specific attempt has been made to determine the year of first use.
- E. Changes in Method of Diversion. No changes in the method of diversion since our last Statement was filed have taken place for the facilities from the Russian River. However, Beringer filed Applications 29418, 19419 and 29437 for the right to divert water from the Russian River Underflow, Barelli Creek and an unnamed stream tributary to the Russian River. Permits 20484, 20485 and 20486 were issued pursuant to these applications and facilitate more flexible use of water and secure a reliable water source to maintain agricultural development.

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1997

OWNER OF RECORD: **BERINGER WINE ESTATES**

c/o **MURRAY, BURNS & KIENLEN**
1616 29TH ST STE 300
SACRAMENTO, CA 95816

STATEMENT NO: S008430



SOURCE: RUSSIAN RIVER
TRIBUTARY TO: PACIFIC OCEAN
COUNTY: SONOMA
DIVERSION:

TELEPHONE NUMBER:
(916) 456-4400
YEAR OF FIRST USE:
PARCEL NO:

WITHIN: NE¼ OF SW¼ SECTION 28, T11N, R10W, MB&M.

A. Water is used under: Riparian claim ☒ ; Pre 1914 right ☒ ; Other (explain): _____

B. Year of first use (Please provide if missing above) SEE ATTACHMENT

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other) _____

| Year | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| 1994 | X | X | X | X | X | X | X | X | X | X | X | X | 137.23 |
| 1995 | X | X | X | X | X | X | X | X | X | X | X | X | 124.64 |
| 1996 | X | X | X | X | X | X | X | X | X | X | X | X | 108.68 |

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 186, 227, 227 acres; Stockwatering _____; Domestic 8 RESIDENCES

Other (specify) INDUSTRIAL; WINE PROCESSING AND BOTTLING

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

SEE ATTACHMENT

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: June 30, 19 97 at Sacramento, California

SIGNATURE: Marc Van Camp

PRINTED NAME:

Marc

E.

Van Camp

(FIRST NAME)

(MIDDLE INIT.)

(LAST NAME)

COMPANY NAME:

Murray, Burns and Kienlen

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

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S 8430

(916) 657-1931
FAX: 657-1485

In Reply Refer
To:341:SO:S8430

January 16, 1996

Wine World Estates Company
100 Pratt Avenue
St. Helena, CA 94574

Gentlemen:

STATEMENT OF WATER DIVERSION AND USE NO. 8430 - RUSSIAN RIVER IN
SONOMA COUNTY

We have been informed that you have acquired property formerly owned by Preferred Vineyard Properties which is served under the above claimed water right. We will change our records to show Statement of Water Diversion and Use No. 8430 in the name of Wine World Estates Company. We will also assume that the engineering office of Murray, Burns and Kienlen will act as your agent until notified otherwise.

If I can be of further assistance, please write or call me at
(916) 657-1931.

Sincerely,

ORIGINAL SIGNED BY

Shige Okada, Chief
Permit and License Unit

cc: Murray, Burns and Kienlen
1616 29th Street, Suite 300
Sacramento, CA 95816

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a:\so\s8430

Okada
1-16-96

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

STATEMENT OF WATER DIVERSION AND USE

S 8430

This statement should be typewritten or legibly written in ink.

This statement is filed in conjunction with Application #24545.

A. Name of person diverting water United Vintners, Inc. c/o Vinifera Vineyards

Address P. O. Box 403, Rutherford, California 94573

B. Name of body of water at point of diversion Russian River

Tributary to Pacific Ocean

C. Place of diversion NE 1/4 SW 1/4 Section 28*, Township 11N, Range 10W, MD B&M,
Sonoma County, or locate it on sketch of section grid on reverse side with regard to section lines or
prominent local landmarks. * Projected into Rancho Rincon de Musalacon

D. Name of works NONE

E. Capacity of diversion works

Capacity of storage reservoir

State quantity of water used each month in gallons or acre-feet

| Year | Jan. | Feb. | Mar. | Apr. | May | June | July | Aug. | Sept. | Oct. | Nov. | Dec. | Total Annual |
|------|------|------|------|------|-----|------|------|------|-------|------|------|------|--------------|
| | X | X | X | X | X | X | X | X | X | X | X | X | |

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as
acres of each crop irrigated, average number of persons served, number of stock watered, etc.
unknown

Maximum annual water use in recent years Unknown gallons
acre-feet

Minimum annual water use in recent years Unknown gallons
acre-feet

Type of diversion facility: gravity, pump, X

Method of measurement: weir, flume, electric power meter, water meter, estimate

F. Purpose of use (what water is being used for) Irrigation, domestic and industrial

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)

See enclosed plat of area of use.

H. Year of first use as nearly as known We do not know at this time what previous uses were made of water on the subject property.

I. Name of person filing statement Vinifera Vineyards c/o Roy T. Harris

Position Vice President Organization Vinifera Vineyards

Address P. O. Box 403, Rutherford, California 94573

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed

Nov 6, 1974

Signature

Richard E. Walton, General Counsel
United Vintners, Inc.

See Instructions on Reverse Side